

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

**HARDIK SURESCHCHANDRA PATEL,**

**Petitioner,**

**v.**

**ACTION NO. 2:24cv426**

**ATTORNEY GENERAL  
OF THE STATE OF VIRGINIA, et al.,**

**Respondents.**

**FINAL ORDER**

On July 3, 2024, petitioner Hardik Sureschchandra Patel ("Patel"), previously a Virginia inmate, submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. ECF No. 1. Patel challenges his convictions in the Circuit Court for the City of Fredericksburg on January 8, 2021, for eight counts of selling a schedule I or II drug, one count of selling a schedule III drug, eight counts of selling a schedule IV drug, and one count of money laundering. *Id.* at 1; see *Commonwealth v. Patel*, CR18001297-01 through CR18001313-01, CR 18001414-01 (Va. Cir. Ct. Jan. 8, 2021).

This matter was referred to the United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Local Civil Rule 72 of the Rules of the United States District


Court for the Eastern District of Virginia. The report and recommendation filed November 26, 2024, recommends that respondent's motion to dismiss the petition be granted and the petition for a writ of habeas corpus be denied and dismissed with prejudice. ECF No. 13. Each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge. *Id.* at 9. On December 12, 2024, the Court received Patel's objections to the findings and recommendations made by the Magistrate Judge and request for an evidentiary hearing. ECF No. 14. The Court **DENIES** his request for an evidentiary hearing because the Court may adequately resolve the issues presented based on the record and briefs. See Rules Gov. § 2254 Cases in U.S. Dist. Cts. 7-8.

The Court, having reviewed the record and examined the objections filed by Patel to the report and recommendation, and having made de novo findings with respect to the portions objected to, does hereby adopt and approve the findings and recommendations set forth in the report and recommendation. The Court, therefore, **ORDERS** that respondent's motion to dismiss the petition (ECF No. 8) be **GRANTED** and the petition for a writ of habeas corpus (ECF No. 1) be **DENIED** and **DISMISSED WITH PREJUDICE**.

Patel has failed to demonstrate "a substantial showing of the denial of a constitutional right," and, therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. See *Miller-El v. Cockrell*, 537 U.S. 322, 335-36 (2003).

Patel is **ADVISED** that because a certificate of appealability is denied by this Court, he may seek a certificate from the United States Court of Appeals for the Fourth Circuit. Fed. R. App. P. 22(b); Rules Gov. § 2254 Cases in U.S. Dist. Cts. 11(a). **If Patel intends to seek a certificate of appealability from the Fourth Circuit, he must do so within thirty (30) days from the date of this Final Order. Patel may seek such a certificate by filing a written notice of appeal with the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510.**

The Clerk shall mail a copy of this Final Order to Patel and counsel of record for respondent.

/s/   
Rebecca Beach Smith  
Senior United States District Judge

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Rebecca Beach Smith  
Senior United States District Judge

Norfolk, Virginia  
January 16, 2025